

-5-

Serial No. 09/944,030

REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Although claims 4-5, 8-13 and 51 are withdrawn, applicants request that they be rejoined to the case on allowance of the generic or linking claim (claims 1 and 7).

The rejection of claims 1, 3, and 6-7 under 35 U.S.C. § 102(a) or (b) as anticipated by Riemen et al., J. Physiology, 509P:81P (1998) is respectfully traversed.

Riemen relates to the defective nucleoside triphosphate synthesis in plasma membranes derived from tracheal epithelium of CFTR null mice. Riemen does not teach or suggest methods of classifying disease states or of determining if a patient has or is being treated for cystic fibrosis. Further, Riemen does not teach or suggest the particular steps of the present invention.

In addition, Riemen is not available as a reference against the claims of the present application. In particular, Riemen is not prior art under 35 U.S.C. § 102(a) or (b).

Attached hereto is a Declaration of Linda Rimmer Under 37 CFR 1.132 ("Rimmer Declaration"). Linda Rimmer is an employee of the Physiology Society (Rimmer Declaration ¶1), which handles publication of the J. Of Physiology (See webpage physoc.org and jp.physoc.org) (Rimmer Declaration ¶4). Ms. Rimmer indicates that it is possible that an abstract book was mailed prior to the meeting held April 27-29, 1998 (Rimmer Declaration ¶5). There is, however, no record of the date of any mailing (Rimmer Declaration ¶5). Based on standard practice, it is believed that the abstract book, if mailed, would have been sent on or about March 27-29, 1998 (Rimmer Declaration ¶5). It is further believed that under no circumstances would the abstract book been mailed as early as

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-6-

Serial No. 09/944,030

March 2, 1998 (Rimmer Declaration ¶6). Thus, Riemen was not described in a printed publication more than one year prior to the filing date of the present application. The present application was filed as a continuation of PCT/GB00/00736, filed March 2, 2000, claiming priority to U.S. Provisional Patent Application 60/122,426, filed March 2, 1999. Accordingly, Rieman is not available as prior art under 35 U.S.C. § 102(b).

Riemen is not available as a reference against the claims of the present application, therefore, the rejection of claims 1, 3 and 6-7 based on Riemen is improper and should be withdrawn.

The rejection of claims 1-3 and 6-7 under 35 U.S.C. § 112(second paragraph) for indefiniteness is traversed in view of the above amendment.

Support for the added limitations of claim 1 and 7 is found at pages 17, lines 1 to page 22, line 13 and page 26, lines 7-25.

In view of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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Date

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I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail on under 37 CFR 1.8 and is addressed to the Commissioner for Patent, PO Box 1450, Alexandria, VA 22313-1450

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